

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

DARRELL McCLANAHAN and,)	
APRIL MILLER-McCLANAHAN,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 16-1086-CV-W-ODS
)	
CHIEF MARK LAMPHIER,)	
)	
Defendant.)	

STATUS REPORT

This is a 42 U.S.C. § 1983 civil rights proceeding. Plaintiff Darrell McClanahan, and his wife, April Miller-McClanahan, allege violations of their federally protected rights, essentially alleging that Lexington, Missouri Police Chief Mark Lamphier falsely arrested Darrell McClanahan, and used excessive force while taking him into custody.

On October 30, 2017, the Court entered its Order (Doc. No. 30) granting Defendant's Motion to Stay Proceedings (Doc. No. 24) and administratively closed this case pending final disposition of the criminal charges which were then pending against Darrell McClanahan in the Circuit Court of Lexington County, Missouri, in *State v. McClanahan*, Case No. 16LF-CR00130. The Court also directed the parties "... to inform the Court of the final disposition of the criminal charges and post-conviction proceedings in Plaintiff Darrell McClanahan's state court proceedings."

It has come to the Defendant's attention that on January 5, 2018, apparently as the result of plea negotiations, the Lafayette County Prosecuting Attorney filed an "Information in Lieu of Indictment" (copy attached as Exhibit 1) reducing the felony charges of stealing by deceit and resisting arrest to their misdemeanor counterparts. That same date, Plaintiff Darrell McClanahan

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filed a written “Waiver of Rights and Plea of Guilty” (copy attached as Exhibit 2) in which he pled guilty to the misdemeanor counts of stealing by deceit and resisting arrest. The state trial court then entered its Judgment (copy attached as Exhibit 3) sentencing Plaintiff Darrell McClanahan to two days incarceration on each of the two counts to which he pled guilty, with credit for time served, and also imposed a fine of \$500.00 on each count.

The time for filing an appeal and/or post-conviction proceedings in the underlying state criminal matter have passed without any further action by Plaintiff Darrell McClanahan. Consequently, it appears that this case is now in a posture to be re-opened, after which it will be ripe for the filing of a motion to dismiss on Defendant’s behalf.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2018, I electronically filed the foregoing with the Clerk of the Court and that an electronic notice of filing and a copy of the foregoing will automatically be sent to the following:

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